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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,696	12/23/1999	THIRU SRINIVASAN	1649-USW-05	7829

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DENVER, CO 80202

EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/471,696

Applicant(s)

SRINIVASAN, THIRU

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11-19 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bidder's Edge located on the Internet at www.biddersedge.com. Bidder's Edge is an auction search engine comprising an input field for buyers to enter a product identifier related to a product they desire, a method for monitoring a plurality of auction sites through electronic data interchange messaging, a method to compare and determine if the desired product is for sale on any of the auction sites, a system that notifies the buyer if the desired item is for sale with the current bid for the product, (this includes notification by e-mail) and a method for allowing the user to place a bid with the auction site. As disclosed by applicant on page 5 lines 9-10 the examiner interprets the "product identifier" to be any parameter of the desired product. In addition, the examiner interprets the limitation "monitoring in claim one to mean checking by means of a receiver for significant content."

Bidder's Edge further includes an option to include a category identifier or description identifier with the product identifier to aid in the monitoring for the desired product. Bidder's Edge also includes a method to erase the product identifier from the site after the buyer has been notified that the desired product is for sale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable as obvious over Bidder's Edge located on the Internet at www.biddersedge.com. Bidder's Edge, an auction search engine described above does not specifically have features that would allow a user to scan a database of desired products. However, Bidder's Edge includes a "Deal Watch" section which provides the user with a daily report, via e-mail of all auctions offering items that satisfy a search criteria. Inherent to this feature is a database that stores the search criteria of the buyers desired products. Therefore, it would have been obvious to anyone skilled in the art at the time of the invention to search this database to determine products desired by the buyer. Anyone skilled in the art at the time of the invention would have been motivated to search the database to determine products desired by the buyer in order to allow sellers with specific items the opportunity to find a buyer for those items.

Claims 1- 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGovern et al. in view of Fisher et al. McGovern et al. teaches a computerized job search system which includes a site that stores job postings, receives input from job seekers (column 15; lines 65-67), monitors the requests from the job seekers versus the postings to determine if there are matches and then notifies the job seeker (via e-mail) if there is a match (column 16; lines 11-17). The job seeker is given the option to input category or description data for their desired job(column 15;

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lines 13-15). The system also allows for searching over multiple job posting sites (column 18; lines 60-64). If a match is found, the system facilitates the user in applying for the job (column 16; lines 19-25). The site includes the capability, for companies with available jobs to search for resumes of job seekers (column 18; lines 39-51).

McGovern et al. does not teach searching and interacting within an auction system. Fisher et al. teaches a system and method to conduct a multi-person, interactive auction for goods and services, preferably held over a computer network. It would have been obvious to anyone skilled in the art at the time of the invention to apply the system of McGovern et al. in order to ~~search the system~~ of Fisher et al. The search system of McGovern et al. is used in order to search for services (i.e. to fill job needs), the system of Fisher et al. is used to provide goods and services to the end user, therefore applying a system disclosed in a service oriented application to a goods and services application would be an obvious extension. In addition, one of ordinary skill in the art at the time of the invention would be motivated to apply the they search system of McGovern et al. to the auction system of Fisher et al. in order to allow users to find and track their desired items more efficiently.

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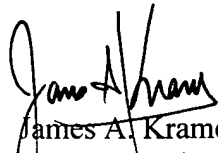
Conclusion

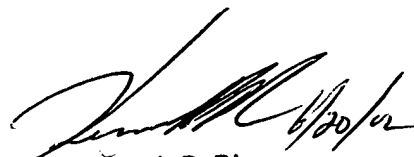
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241.

The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9123 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


James A. Kramer
Patent Examiner
June 18, 2002


Kenneth R. Rice
Primary Examiner